

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 06-0063 MHP

Plaintiff(s),

**ORDER REVOKING SUPERVISED
RELEASE AND JUDGEMENT**

v.

REX M. LUTTON,

Defendant(s).

This matter came on pursuant to an Order to Show Cause why supervised release should not be revoked. Defendant appeared in person with his attorney Barry Portman. The United States was represented by Assistant United States Attorney Wendy Thomas.

The defendant was advised of the following:

1. His right to a hearing on the alleged violations of supervised release;
2. His right to confront and cross-examine witnesses;
3. His right to produce evidence and witnesses at the hearing without cost to him if he could not afford the same;
4. His right to continue to have court appointed counsel represent him throughout the proceedings; and
5. The nature of the revocation proceedings and the consequences if a violation was found and supervised release revoked or modified.

The court finds that defendant was fully advised of his constitutional and statutory rights in connection with these proceedings either as a basis for modification or revocation; that he fully understands the nature of the proceeding and the defenses that he may assert in the proceeding; that he fully understands the consequences of the proceeding; and that he freely and voluntarily waives

1 his right to a hearing, his counsel consenting thereto.

2 The court finds that the defendant has admitted to the violations as alleged in the petition to
3 revoke and that such violations are sufficient cause to revoke supervised release.

4
5 Charge 1: Violation of Special Condition which states in part that defendant shall
6 participate in a substance abuse treatment program which may include
7 inpatient treatment, in that on November 5, 2005, the defendant left the
8 inpatient treatment program at Delancy Street Foundation without the
9 approval of the US Probation Officer.

10 Charge 2: Violation of Standard Condition which states that defendant shall not commit
11 another federal, state, or local crime in that on November 11, 2005, the
12 defendant drove recklessly to avoid a police officer, and was subsequently
13 sentenced on October 2, 2006 to two years state prison for Attempting to
14 Evade Peace Officer While Recklessly Driving.

15 Charge 3: Violation of Standard Condition which states the offender shall not commit
16 another federal, state, or local crime in that on February 8, 2006, the
17 defendant attempted to escape from Sonoma County Sheriff's Department.

18 Based on the foregoing,

19 IT IS ADJUDGED that supervised release be and is hereby REVOKED and that defendant
20 is remanded into the custody of the Attorney General or his authorized representative for a term of
21 twenty-one (21) months. No further supervised release is ordered for this court. Court recommends
22 placement of defendant in a facility which provides both a strong psychiatric counseling/treatment
23 program and a drug treatment program.

24
25 Dated: May 23, 2007



MARILYN HALL PATEL
United States District Court